

23. (New) The method of claim 20, wherein the probe is placed in a circular pattern about the cornea.

REMARKS

The Examiner rejected claims 11, 12, 14 and 15 under 35 U.S.C. 102(b) as being anticipated by Doss. The Examiner rejected claims 11, 13, 16 and 18 under 35 U.S.C. 103(a) as being unpatentable over Schachar in combination with Doss. The Examiner rejected claims 11, 17 and 19 under 35 U.S.C. 103(a) as being unpatentable over Schachar in combination with Doss in further view of Malis. Independent claims 11 and 20 recite a current which has a damped waveform, a frequency between 5 KHz and 50 MHz and a repetition rate between 4 KHz and 12 KHz. The Examiner has stated that these numbers are merely a design choice. The applicant respectfully traverses this contention.

As stated on page 17 of the specification for the above-entitled application, the combination of the specific/time settings of the power source along with the technique of placing the electrode or probe in direct contact with the cornea creates a thermal profile that denatures the stroma. The specification further states that when such denatured areas are formed in a circular pattern, the cornea will undergo a length belt type contraction and sharpen the focus of images on the retina. The applicant submits that the damped waveform, frequency range and repetition rate recited in the claims are not merely arbitrary numbers, but are a unique combination that generates a thermal profile which will reshape the cornea in a desired manner. None of the references cited by the Examiner disclose this unique combination of operating parameters. Malis does not disclose the recited combination of parameters. The applicant submits that one skilled in the art would not automatically utilize its parameters for the recited procedure in view of the bipolar cutter/coagulator disclosed in

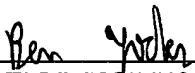
the Malis reference. For these reasons the applicant submits that the claims are patentably distinct from the prior art.

In view of the above it is submitted that the claims are in condition for allowance.

Reconsideration of the rejections is requested. Allowance of claims 11, 13-16, 18 and 20-23 at an early date is solicited.

Respectfully submitted,
IRELL & MANELLA LLP

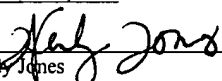
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Wendy Jones

12/18/02
Date

APPENDIX

IN THE CLAIMS

Claim 11 has been amended as follows:

11. (Amended) A system for denaturing a cornea, comprising:

a ground element;

a probe which has a tip that can be placed in contact with the cornea; and,

a power supply which provides a current that flows to said probe through the cornea
and to said ground element, the current having a damped waveform [at a] frequency between
5KHz to 50 MHz and a repetition rate between 4KHz and 12KHz.